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Air Pollution Regulations in State Implementation Plans: California, El Dorado, County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

El Dorado County

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Air Pollution Regulations in State Implementation Plans:

California
El Dorado

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-6

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

EL DORADO COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs approved unless noted otherwise.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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REGULATION I. GENERAL PROVISIONS

(2.0) Rule 1. TITLE.

These Rules and Regulations shall be known as the Rules of the El Dorado County Air Pollution Control District.

(1.0) Rule 2. DEFINITIONS:

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, (Section 24198, et seq.), of the Health and Safety Code.

A. Air Contaminent. Includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases or particulate matter, or any combination thereof.

B. Agriculture.

(1) Agricultural Burning. As used in this section means open outdoor fires used in agricultural operations, in the growing of crops or raising of fowls or animals, forest management or range improvement.

(2) Burn or No Burn Days.

(a) A "no burn" day means any day on which the California Air Resources Board prohibits open outdoor burning of agricultural wastes.

(b) A "burn" day means any day on which the Air Resources Board does not prohibit burning or agricultural wastes.

(c) Commencing no later than September 20, 1971, a notice as to whether a day is a burn or a no burn day will be provided by the California Air Resources Board each morning at 0745. The notice will be based on meteorological criteria set forth by the California Air Resources Board in Meteorological Criteria for Regulating agricultural Burning.

(3) Agricultural Operations. Means the growing of crops or raising of fowls or animals for the primary purpose of making a profit or for a livelihood and forest management or range improvement.

(4) Agricultural Wastes. Is defined as unwanted or unsaleable materials produced wholly from agricultural operations.

C. Atmosphere. Means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

D. Area.

(1) Foothill Area. All that area in El Dorado County bounded on the East by the Eastern boundary line.

Beginning at the intersection of the North line of Section 27, T. 13 N., R. 10 E., M.D.M. and the Middle Fork of the American River, the El Dorado-Placer County Line; thence East to the Northeast corner of Section 25, T. 13 N., R. 10 E., thence South to the Southeast corner of Section 12, T. 11 N., R. 10 E.; thence East to the Southeast corner of Section 12, T. 11 N., R. 11 E.; thence to the Southeast corner of Section 13, T. 11 N., R. 11 E.; thence East to the Southeast corner of Section 13, T. 11 N., R. 12 E.; thence East to the Southeast corner of Section 17, T. 11 N., R. 13 E.; thence South to the Northeast corner of Section 4, T. 10 N., R. 13 E.; thence South along Section lines to the Southeast corner of Section 28, T. 8 N., R. 13 E., M.D.M. and intersection with the centerline of the South Fork of the Cosumnes River, the El Dorado-Amador County Line.

(2) Mountain Area. All that area of El Dorado County bounded on the West by the Foothill Area and on the East by the boundary line of the Great Basin-Pacific Watershed Divide.

(3) Tahoe Area. All that area of El Dorado County bounded on the West by the Great Basin-Pacific Watershed Divide and on the East by the State Line between the State of California and the State of Nevada.

E. Board. Means the Air Pollution Control Board of the Air Pollution Control District of El Dorado County, which is the Board of Supervisors.

F. Combustible or Flammable Solid Waste. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid form.

G. Combustion Contaminants. Are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

H. Condensed Fumes. Are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

I. Dusts. Are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

J. Flue. Means any duct or passage for air, gases, or the like, such as a stack or chimney.

K. Multiple-Chamber Incinerator. Is any article, machine, equipment, contrivance, structure, or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least seventeen (17), tested according to the method described in the American Society for Testing Materials, Method C-24.

L. Open Outdoor Fire. Means any combustion of solid waste outdoors, in the open, not in any enclosure, where the products of combustions are not directed through a flue. Does not include fireplaces normally used in structures.

M. Orchard or Citrus Grove Heater. Means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

N. Particulate Matter. Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

O. Person. Means any person, firm, corporation, association, or public agency, including, but not limited to, any city, county, district, or the State.

P. Process Weight Per Hour. The total weight of all materials introduced into a specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Q. Regulation. Means one of the major sub-divisions of the Rules of the Air Pollution Control District of El Dorado County.

R. Residential (Not more than 2 dwelling units) Rubbish. Means rubbish originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.

S. Rule. Means a rule of the Air Pollution Control District of El Dorado County.

T. Section. Means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

U. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.

(2.0) Rule 3. Standard Conditions. Standard conditions are a gas temperature of sixty degrees (60°) Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all Analysis and tests shall be calculated and reported at this gas temperature and pressure.

(15.0) Rule 4. Enforcement. These Rules and Regulations shall be enforced by the Air Pollution Control Officer and all other officers, as indicated by the Health and Safety Code.

(2.0) Rule 5. Validity. If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations if for any reason is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

(2.0) Rule 6. New Laws. The laws of California as amended from time to time, relating to the Air Pollution District shall be in full force and effect in the El Dorado County Air Pollution Control District.

(2.0) Rule 7. Effective Date. These Rules and Regulations shall take effect on September 2, 1971.

REGULATION II PROHIBITION

(2.0) Rule 49 District-Wide Coverage. Prohibitions, as set forth in this Article, shall apply in all portions of El Dorado County.

(50.1.2) Rule 50 Visible Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines. (except in the Tahoe area, which limit is Ringelmann No. 1), or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in sub-section (a) of this section.

(2.0) Rule 51 Exceptions to Rule 50. The provisions of Rule 50 do not apply to smoke from fires:

(a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary.

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees and volunteer firemen in the methods of fighting fires, or

(3) For the improvement of watershed, range or pasture.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

(c) Agricultural operations in the growing of crops, or raising of fowls or animals, or

(d) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, (see Rule 63), or

(e) The use of other equipment in agricultural operations in growing of crops, or raising of fowls or animals.

(f) Set pursuant to an open burning permit issued by the Air Pollution Control Officer, or fire department or other agency designated by the El Dorado County Air Pollution Board.

(50.7) Rule 52. Nuisance. No person shall discharge from any nonvehicular source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) Rule 53. Exceptions to Rule 52.

(a) The provisions of Rule 52 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

(b) All exceptions as stated in Rule 51.

(50.1) Rule 54. Particulate Matter. Except as otherwise provided in Rules 53 and 55, a person shall not discharge into the atmosphere, from any source, particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

(50.1.1) Rule 55 Dust and Condensed Fumes. A person shall not discharge into the atmosphere in any one hour from any source whatsoever dust or condensed fumes in total quantities in excess of the amount shown in the following table on Page 8. To use the following table, take the process weight per hour as such is defined in Rule 2 (P). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1,500 pounds, by 3, giving a process weight per hour of 500 pounds. The table shows that "A" may not discharge more than 1.77 pounds in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated. This Rule does not apply to Agricultural Operation Rule 2-B-(3).

TABLE

*Process Wt/hr(lbs)	Maximum Wt. Disch/hr(lbs)	Process Wt/hr(lbs)	Maximum Wt. Disch/hr(lbs)
50	.24	3100	5.18
100	.46	3200	5.27
150	.66	3300	5.36
200	.85	3400	5.44
250	1.03	3500	5.52
300	1.20	3600	5.61
350	1.35	3700	5.69
400	1.50	3800	5.77
450	1.63	3900	5.85
500	1.77	4000	5.93
550	1.89	4100	6.01
600	2.01	4200	6.08
650	2.12	4300	6.15
700	2.24	4400	6.22
750	2.34	4500	6.30
800	2.43	4600	6.37
850	2.53	4700	6.45
900	2.62	4800	6.52
950	2.72	4900	6.60
1000	2.80	5000	6.67
1100	2.97	5500	7.03
1200	3.12	6000	7.37
1300	3.26	6500	7.71
1400	3.40	7000	8.05
1500	3.54	7500	8.39
1600	3.66	8000	8.71
1700	3.79	8500	9.03
1800	3.91	9000	9.36
1900	4.03	9500	9.67
2000	4.14	10000	10.00
2100	4.24	11000	10.63
2200	4.34	12000	11.28
2300	4.44	13000	11.89
2400	4.55	14000	12.50
2500	4.64	15000	13.13
2600	4.74	16000	13.74
2700	4.84	17000	14.36
2800	4.92	18000	14.97
2900	5.02	19000	15.58
3000	5.10	20000	16.19
		30000	22.22
		40000	28.3
		50000	34.2
		60000 or more	40.0

* See Definition in Rule 2(P)

(50.0) Rule 56. Specific Contaminants. A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge.

(a) Sulphur Compounds calculated as sulphur dioxide (SO_2) o.2 per cent, by volume.

(b) Combustion Contaminants: 0.3 grain per cubic foot of gas calculated to twelve per cent (12%) of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible waste by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to twelve per cent (12%) of carbon dioxide (CO_2).

(51.13) Rule 57. Open Outdoor Fires. No person shall, after December 31, 1971, use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

(2.0) Rule 58. Exceptions to Rule 57. Nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

(a) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or;

(2) The instruction of public employees (volunteer firemen), in the methods of fighting fire;

(3) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

(b) To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(c) To abate fires pursuant to Chapter 2 (commencing with Section 39298).

(d) Nothing in Rule 57 shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises.

(e) Nothing in Rule 57 shall be construed as prohibiting agricultural burning.

(f) Nothing in Rule 57 shall be construed to prohibit fires for recreational purposes, such as open fires for the cooking of food for human consumption.

(g) A permit for open burning is not intended to permit burning on days when such open burning is prohibited by public fire protection agencies for purpose of fire control or prevention.

(51.13) Rule 59. Agricultural Burning.

(a) Agricultural Burning Permits. No person shall set or permit agricultural burning for the disposal of agricultural waste unless he has a valid permit from the local agency designated by the California Air Resources Board.

(b) Permit Form. Permits issued shall contain the following:

(1) Name and address of the permittee.

(2) Location of the proposed burning.

(3) Acreage or estimated amount of waste to be burned.

(4) The kind of agricultural waste to be burned.

(5) The statement "THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH ARE NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD".

(6) Such other information as may be required by the agency issuing the permit.

(c) Amount of Waste Burned Daily. The name, location and amount of wastes burned daily must be reported to the Air Pollution Control Officer monthly.

(d) No Burn Days. No person shall knowingly set or permit agricultural burning on days within a period prohibited by the California Air Resources Board pursuant to Section 39298, (Rule 2-(B).

(e) Preparation of Agricultural Waste. Agricultural waste shall be dry enough to assure complete combustion, and shall be free from extraneous materials. The following are minimum standards for the preparation of agricultural waste prior to burning:

(1) Agricultural waste shall be free of other waste such as tires, rubbish, tar paper or construction debris.

(2) Agricultural waste shall be arranged so that it will burn with a minimum of smoke, and except for large trees, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited on any one day.

(3) Agricultural waste shall be reasonably free of dirt, soil and visible surface moisture.

(4) The use of tires for the ignition of fires is prohibited.

(5) To lower the moisture content of agricultural waste, the elapsed time between cutting and burning shall be:

(a) A minimum of three (3) days for straw and stubble.

(b) Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

(c) A minimum of thirty (30) days for trees, stumps, and large branches greater than six (6) inches in diameter.

(6) The Air Pollution Control Officer may by permit authorize burning of agriculture waste in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

(f) Restricted Burning Days. The Air Pollution Control Officer shall notify the fire permit agencies (g) that a condition of restricted burning exists. On days of restricted burning, local fire agencies shall restrict acreage or tonnage of wastes to be burned under permit to that acreage or tonnage allocated to the fire control agency by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to be burned to each fire agency based on the estimated number of acres or tonnage in the geographic area covered by the fire agency.

(g) Fire Permit Agencies:

(1) The State Resources Board hereby designates the following Fire Protection Districts to issue permits for burning of agricultural waste within the boundaries of the El Dorado Air Pollution District.

The following is a list of all the fire departments in the Foothill Area:

Pollock Pines-Camino Fire District
P. O. Box 394
Pollock Pines, CA 95726

Pleasant Valley Fire District
1786 Pleasant Valley Road
Placerville, CA 95667

City of Placerville & Fringe
Fire Department
3034 Sacramento Street
Placerville, CA 95667

*Shingle Springs Fire District
P. O. Box 31
Shingle Springs, CA 95682

El Dorado Hills Fire Department
990 Lassen Lane
El Dorado Hills, CA 95630

*Garden Valley Fire Department
P. O. Box 275
Garden Valley, CA 95633

El Dorado Fire District
P. O. Box 204
El Dorado, CA 95623

Cameron Park Community
Services District
3870 Los Santos Drive
Shingle Springs, CA 95682

Georgetown Fire District
P. O. Box
Georgetown, CA 95634

*Northside Fire Department
P. O. Box 38
Cool, CA 95614

*Omo Ranch Fire Department
P. O. Box 15
Omo Ranch, CA

*Rescue Fire Department
P. O. Box 201
Rescue, CA 95672

*Pioneer Fire Department
Star Route
Somerset, CA 95684

*Diamond Springs Fire District
P. O. Box 741
Diamond Springs, CA 95619

U. S. Forestry, El Dorado
National Forest
Supervisor's Hdqts.
100 Forni Road
Placerville, CA 95667

Calif. Division of Forestry
El Dorado Range Unit Hdqtrs.
P. O. Box 521
Camino, CA 95709

*Denotes departments that are not issuing burning permits at this time. Burning permits in these areas will be issued by the Division of Forestry.

(2.0) Rule 60. Exceptions to Rule 59. The burning of agricultural waste is exempt, if:

(a) The burning is done in the Mountain Area, Rule 2-D(2) or Tahoe Area, Rule 2-D(3).

(b) Fire prevention. Nothing in these rules are intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

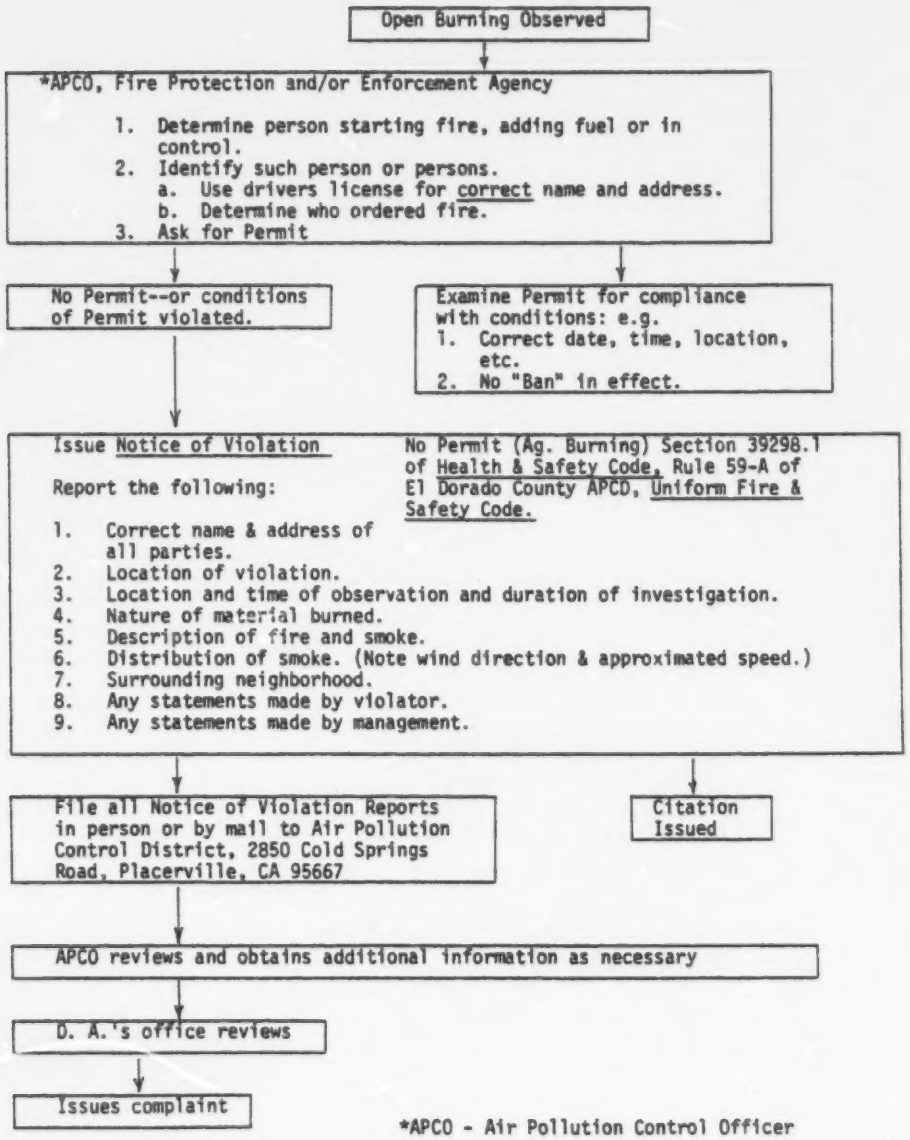
(c) Burning on No-Burn Days. The Air Pollution Control Officer may by permit authorize burning of agricultural waste on days designated by the California Air Resources Board as "no-burn days" because the denial of such permit would threaten imminent and substantial economic loss.

(15.0) Rule 61. Enforcement. The Air Pollution Control Officer or his staff will be in the field to ensure that these regulations are complied with and shall enforce all State and Local Regulations regarding Air Pollution Control. Page 14.

(15.0) Rule 62. Penalty. A violation of Rule 59, Agricultural Burning, is a misdemeanor punishable by imprisonment in the County jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

AGRICULTURAL BURNING ENFORCEMENT

FLOW CHART


Open Burning Observed
*APCO, Fire Protection and/or Enforcement Agency
1. Determine person starting fire, adding fuel or in control.
2. Identify such person or persons.
a. Use drivers license for correct name and address.
b. Determine who ordered fire.
3. Ask for Permit
No Permit--or conditions of Permit violated.
Examine Permit for compliance with conditions: e.g.
1. Correct date, time, location, etc.
2. No "Ban" in effect.
Issue Notice of Violation
No Permit (Ag. Burning) Section 39298.1 of Health & Safety Code, Rule 59-A of El Dorado County APCD, Uniform Fire & Safety Code.
Report the following:
1. Correct name & address of all parties.
2. Location of violation.
3. Location and time of observation and duration of investigation.
4. Nature of material burned.
5. Description of fire and smoke.
6. Distribution of smoke. (Note wind direction & approximated speed.)
7. Surrounding neighborhood.
8. Any statements made by violator.
9. Any statements made by management.
File all Notice of Violation Reports in person or by mail to Air Pollution Control District, 2850 Cold Springs Road, Placerville, CA 95667
Citation Issued
APCO reviews and obtains additional information as necessary
D. A.'s office reviews
Issues complaint

*APCO - Air Pollution Control Officer

(51.1) Rule 63. Orchard or Citrus Heaters.

(a) No orchard or citrus heater shall be sold in El Dorado County after January 1, 1971, unless it is included on the California State Air Resources Board approved list.

(b) The use of any unapproved orchard or citrus heater is prohibited in the County after January 1, 1975, unless it produces one gram or less of unconsumed solid carbonaceous material per minute.

(51.9) Rule 64. Incinerator Burning. Except for the burning of residential rubbish which meets the requirements of Rule 57, a person shall not burn any combustible refuse within the boundaries of the El Dorado County Air Pollution Control District, except in a multiple-chamber incinerator as described in Rule 2-K, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(2.0) Rule 65. Circumvention. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, (Section 24198 et seq.) or of these Rules and Regulations. The Rule shall not apply to cases in which the only violation involved is of Section 24243.

REGULATION III PERMIT SYSTEM

(2.0) Rule 71. Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment of other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(3.0) Rule 72. Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 71 may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment, or contrivance described in Rule 71, constructed or installed without authorization as required by Rule 71, until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment, or contrivance is altered, if necessary and made to conform to the standards set forth in Rule 74 and elsewhere in these Rules and Regulations.

(3.0) Rule 73. Permit to Operate for Existing Equipment. Shall be effective 90 days after the adoption of these Rules and Regulations. A permit to operate shall be required for all existing equipment, contrivance, or places of business that have burning or send emissions into the atmosphere.

(2.0) Rule 74. Exemptions from Rules 71, 72 and 73. An authorization to construct, or a permit to operate, shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mount on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Residential incinerators when used for burning of paper or leaves.

(e) Space heaters.

(f) Equipment for food preparation. (Eating establishments).

(g) Steam heated by natural gas or LPG or both.

(h) Self propelled mobile construction equipment other than pavement burners.

(i) Agricultural implements used in Agricultural Operation Rule 2-B93).

(3.0) Rule 75. Standards for Granting Permits.

(a) The Air Pollution Control Officer shall deny authorization to construct, or permit to operate, except as provided in Rule 76, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, or of these Rules and Regulations.

(b) Before authorization to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California, and the results of any analysis must be signed by an engineer registered in the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

(2.0) Rule 76. Conditional Approval

(a) The Air Pollution Control Officer may issue an Authorization to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 75, in which case the conditions shall be specified in writing. Commencing work under such an Authorization to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authorization to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the stands of Rule 75 under the revised conditions.

(3.0) Rule 77. Rejection of Applications. In the event of rejection of Authorization to Construct, or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authorization to Construct, or the Permit to Operate. Denials may be appealed under Rule 80.

(2.0) Rule 78. Further Information. Before acting on an application for Authorization to Construct, or Permit to Operate, the Air Pollution Control Officer may require the applicant to furnish further information or further plan or specifications.

(3.0) Rule 79. Actions on Applications.

(a) The Air Pollution Control Officer shall act within a sixty (60) day period on an application for a Permit to Construct, (Rule 71) or Permit to Operate (Rule 72), and shall notify the applicant, in writing of his approval, conditional approval or denial of the application.

(b) Denials may be appealed under Rule 80.

(2.0) Rule 80. Appeals. Within ten (10) days after notice by the Air Pollution Control Officer on denial or conditional approval of an Authorization to Construct, or Permit to Operate, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

REGULATION IV. PROCEDURE BEFORE THE HEARING BOARD

(2.0) Rule 81. General. This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(16.0) Rule 82. Hearings. Requests for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, at 2850 Cold Springs Road, Placerville, California, and the payment of a fee as provided for in Rule 101, the Clerk shall serve a copy of the petition on the Air Pollution Control Officer, and one copy on the holder of the Authority to Construct Permit, or Permit to Operate or variance holder, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served, or by the affidavit of the person making the service.

(16.0) Rule 83. Contents of Petition for Hearing. Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices;

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity; names and addresses of the partners if a co-partnership; names and addresses of the officers if a corporation; and the names and addresses of the persons in control, if other entity;

(c) The type of business or activity involved in the application, and the street address at which it is conducted;

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application;

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274;

(2) For a variance under Section 24292;

(3) To revoke or modify a variance under Section 24298;

(4) To review the denial or conditional granting of an Authorization to construct, or Permit to Operate, under Rules 75 and 76 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf; and where the person signing is not the petitioner, it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege, in addition, the section under which permit was granted and the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege, in addition, the section under which the permit was granted; the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; and whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

(5.0) Rule 84. Request for Variances. In addition to the matters required by Rule 83, petitions for variances shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule, or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) Rule 85. Appeal from Denial. A petition to review a denial or conditional approval of an Authorization to Construct or Permit to Operate, shall, in addition to the matters required by Rule 83, set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for appeal.

(2.0) Rule 86. Failure to Comply with Rules. The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 87. Answers. Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Rule 82.

(16.0) Rule 88. Dismissal of Request for a Hearing. The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 89. Place of Hearing. All hearings shall be held at Placerville, the County seat, unless some other place is designated by the Hearing Board.

(16.0) Rule 90. Notice of Hearing. The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) Rule 91. Evidence

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: rights to counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accumstomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 92. Preliminary Matters. Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments, and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or the meeting of Hearing Board and without notice.

(2.0) Rule 93. Official Notice. The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 94. Continuances. The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 95. Decision. There must be two or more members of the Hearing Board present to make a decision. The decision shall be in writing, served and filed within fifteen (15) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 96. Effective Date of Decision. The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Rule 95 or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 97. Lack of Permit. The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer. A variance granted by the Hearing Board, after a denial of a permit to operate by the Air Pollution Control Officer, may include a permit to operate for the duration of the variance.

(16.0) Rule 98. Record of Hearing. All hearings before the Hearing Board will be recorded.

REGULATION V. FEES

(16.0) Rule 101. Hearing Board Fees.

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authorization to construct, or permit to operate, except any state or local government agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of thirty dollars ($30.00).

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) Rule 102. Analysis Fees. Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required in going to and from such premises, shall be charged against the owner or operator of said premises in a reasonable sum, which said sum is not to exceed the actual cost of such work.

(13.0) Rule 103. Technical Reports, Charges For. Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District, when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.